

REMARKS / ARGUMENTS

In complete response to the Office Action of January 06, 2005, on the above-identified application, reconsideration is respectfully requested. Claims 8 – 28 are pending in this application.

With this amendment, Claims 12, and 17 – 28 are withdrawn. Claims 8 – 11, and 13 – 16 are amended.

Election/Restrictions

The Examiner requested a restriction under 35 U.S.C. 121, between the following allegedly distinct inventions:

- I. Claims 1-11 and 13-16, drawn to a waste liquid treatment apparatus, classified in class 210, subclass 172.
- II. Claims 12 and 17-28, drawn to a waste treatment method for hemodialyzers, classified in class 210, subclass 646.

During a telephone conversation with Ms. Linda K. Russell on December 30, 2004, a provisional election was made with traverse to prosecute the invention of Group I and species 1, claims 1-11 and 13-16. Claims 12 and 17-28 have been withdrawn from further consideration by the examiner, under 37 CFR 1.142(b), as being drawn to a non-elected invention.

As noted in the aforementioned conversation of December 30, the Applicants respectfully disagree with the basis for this restriction requirement. As all the claims presented deal with treating a fluid from a hemodialyzer, and fall into the same class (class 210), the Applicants respectfully contend that the examination of all submitted claims does not create an undue burden on the Examiner.

Claim Rejections under 35 U.S.C. § 112

Claims 14 currently stands rejected under 35 U.S.C § 112, first paragraph, for failing to comply with the written description requirement. Claim 14 has been amended in accordance with the specification on page 6, lines 3-17. Additionally, this reference in the specification conveys to one skilled in the art that the Applicants, at the time the application was filed, had possession of the claimed invention. Due to this amendment, the Applicants respectfully contend that this basis for rejection deserves reconsideration.

Claims 13, 15, and 16 currently stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Due to the aforementioned amendments, the Applicants respectfully contend that this basis for rejection deserves reconsideration.

Claim Rejections under 35 U.S.C. § 102(b):

Claims 8 – 11 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Watanabe et al (WO 99/41202). The Applicants respectfully disagree with the Examiner's statement that all elements of the present invention, as currently claimed, are disclosed by Watanabe '202. Since neither a hemodialyzer nor a transport pipe substantially connected to said hemodialyzer are disclosed in Watanabe '202, the rejection is unsupported by this reference. For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration.

Claim Rejections under 35 U.S.C. § 103(a):

Claims 13 and 14 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe '202 in view of Cole et al (US 4,849,115). The Applicants respectfully contend that the addition of Cole '115 does not remedy the above-mentioned limitations of Watanabe '202 because the combination does not address either a hemodialyzer or a transport pipe substantially connected to said hemodialyzer. Absent such a reference, a person of ordinary skill in the art would not find that all the elements of claims 13 and 14 have either been taught or suggested by Watanabe '202 in view of Cole '115. For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration.

Claims 15 and 16 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Watanabe '202 in view of Lapidot (US 3,732,163). The Applicants respectfully contend that the addition of Lapidot '163 does not remedy the above-mentioned limitations of Watanabe '202 because the combination does not address either a hemodialyzer or a transport pipe substantially connected to said hemodialyzer. Absent such a reference, a person of ordinary skill in the art would not find that all the elements of claims 15 and 16 have either been taught or suggested by Watanabe '202 in view of Lapidot '163. For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of this application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,


Linda K. Russell, Reg. 34,918

Date: June 6, 2005

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of June, 2005.


Diana Guzman